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19  
 20 **UNITED STATES DISTRICT COURT  
 21 NORTHERN DISTRICT OF CALIFORNIA  
 22 SAN FRANCISCO DIVISION**

23 REGENTS OF UNIVERSITY OF CALIFORNIA and  
 24 JANET NAPOLITANO, in her official capacity as  
 25 President of the University of California,

26 Plaintiffs,

27 v.

28 UNITED STATES DEPARTMENT OF HOMELAND  
 SECURITY and KIRSTJEN M. NIELSEN, in her  
 official capacity as Secretary of the Department of  
 Homeland Security,

Defendants.

CASE NO. 17-CV-05211-WHA

**STIPULATION RE EXTENSION  
 OF TIME TO RESPOND TO  
 COMPLAINTS AND TO SEEK  
 LEAVE TO FILE AMENDED  
 COMPLAINTS; [PROPOSED]  
 ORDER**

Judge: Honorable William Alsup

1 STATE OF CALIFORNIA, STATE OF MAINE,  
2 STATE OF MARYLAND, STATE OF MINNESOTA,  
3 Plaintiffs,

CASE NO. 17-CV-05235-WHA

4 U.S. DEPARTMENT OF HOMELAND SECURITY,  
5 KIRSTJEN M. NIELSEN, in her official capacity as  
6 Secretary of the Department of Homeland Security, and  
7 the UNITED STATES OF AMERICA,

Defendants.

8 CITY OF SAN JOSE, a municipal corporation,  
9 Plaintiff,

CASE NO. 17-CV-05329-WHA

10 DONALD J. TRUMP, President of the United States, in his  
11 official capacity, KIRSTJEN M. NIELSEN, in her official  
12 capacity, and the UNITED STATES OF AMERICA,

Defendants.

13 DULCE GARCIA, MIRIAM GONZALEZ AVILA,  
14 SAUL JIMENEZ SUAREZ, VIRIDIANA CHABOLLA  
15 MENDOZA, NORMA RAMIREZ, and JIRAYUT  
16 LATTHIVONGSKORN,

Plaintiffs,

CASE NO. 17-CV-05380-WHA

17 v.  
18 UNITED STATES OF AMERICA, DONALD J.  
19 TRUMP, in his official capacity as President of the  
20 United States, U.S. DEPARTMENT OF HOMELAND  
21 SECURITY, and KIRSTJEN M. NIELSEN, in her  
22 official capacity as Secretary of the Department of  
23 Homeland Security,

Defendants.

24 County of Santa Clara and Service Employees  
25 International Union Local 521,

Plaintiffs,

CASE NO. 17-CV-05813-WHA

26 v.  
27 DONALD J. TRUMP, in his official capacity as  
28 President of the United States, JEFFERSON  
BEAUREGARD SESSIONS, in his official capacity as  
Attorney General of the United States; KIRSTJEN M.  
NIELSEN, in her official capacity as Secretary of the  
Department of Homeland Security; and U.S.  
DEPARTMENT OF HOMELAND SECURITY,

Defendants.

**STIPULATION RE EXTENSION OF TIME TO RESPOND TO COMPLAINTS  
AND TO SEEK LEAVE TO FILE AMENDED COMPLAINTS**

All Plaintiffs and all Defendants in the above-captioned cases, by and through their respective counsel and pursuant to Civil Local Rules 6-1 and 6-2, hereby enter into this stipulation and agreement regarding the deadlines for Plaintiffs to move for leave to file amended complaints and for Defendants to file responsive pleadings, as follows:

1. On January 9, 2018, this Court entered an Order denying in large part Defendants' motion to dismiss for lack of jurisdiction. *See* ECF No. 234.<sup>1</sup> However, the Court dismissed Maine and Minnesota's claims under the Administrative Procedure Act under the "zone of interests" statutory standing doctrine. *Id.* at 28. The Court stated that Maine or Minnesota may seek leave to amend their complaints within 21 calendar days of the date of the Order, with any such motions to be noticed on the normal 35-day track. *See id.* at 48. Accordingly, such motions, to the extent Maine or Minnesota wish to seek leave to amend, are currently due on January 30, 2018.

2. Three days later, on January 12, 2018, this Court entered an Order granting-in-part and denying-in-part Defendants' motion to dismiss for failure to state a claim. *See* ECF No. 239. The Court stated that Plaintiffs may seek leave to amend their complaints within 21 calendar days of the date of the Order, with any such motions to be noticed on the normal 35-day track. *See id.* at 13. Accordingly, such motions, to the extent particular Plaintiffs wish to seek leave to amend, are currently due on February 2, 2017.

3. Pursuant to Rule 12(a)(4) of the Federal Rules of Civil Procedure, Defendants' responsive pleadings are due within 14 days of the Court's denial of Defendants' motion to dismiss.

4. If Defendants are required to prepare and file answers to the Plaintiffs' five initial complaints on the 14-day timeline, they will be required to expend significant resources to do so, even though those answers may become moot if Plaintiffs amend their complaints. Moreover, litigation of these related matters requires coordination both between and among the multiple Plaintiffs and Defendants, which can be time consuming processes. Also, the five separate complaints in these lawsuits are lengthy, and Defendants are required to respond to each separately, also a time-consuming task.

<sup>1</sup> All docket numbers refer to the docket in No. 3:17-cv-5211-WHA.

1       5. The Court has not previously modified the deadlines set forth herein, and there are no  
 2 other pending deadlines that would be affected if the Court grants the parties' requested relief.

3       6. Accordingly, additional time for Plaintiffs to determine whether to seek leave to amend  
 4 and prepare and file their motions and proposed amended complaints (if any), and for Defendants to  
 5 then respond to such motions or, if no such motions are filed in a given matter, to file responsive  
 6 pleadings, would be both efficient and appropriate.

7       7. Because the Court has not stayed proceedings generally, the parties hereby STIPULATE  
 8 AND AGREE regarding the deadlines for Plaintiffs to move for leave to file amended complaints (if  
 9 they so choose) and for Defendants to file responsive pleadings, as follows:

- 10       a. Defendants need not serve responsive pleadings within 14 days of the Court's denial of  
 11 Defendants' motion to dismiss;
- 12       b. The deadline for Plaintiffs to file their motions for leave to file amended complaints (if  
 13 any) shall be March 20, 2018;
- 14       c. If Plaintiffs in a given matter file a motion(s) for leave to file an amended complaint, then  
 15 Defendants shall respond to that motion(s) on this Court's normal 35-day track; and
- 16       d. If Plaintiffs in a given matter do not file a motion for leave to file an amended complaint,  
 17 then Defendants shall file a responsive pleading in that matter within 30 days of the  
 18 deadline for Plaintiffs to file their motions for leave to file amended complaints.<sup>2</sup>

19 IT IS SO STIPULATED THIS 23RD DAY OF JANUARY, 2018

20       Dated: January 23, 2018

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27       2 To the extent the Court does not enter an order providing the parties' requested relief herein, then the  
 28 parties separately stipulate to the extension of the deadline for Defendants to file their responsive  
 29 pleadings, as set forth in paragraph 7.d, pursuant to Local Civil Rule 6-1(a).

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27  
28

## [PROPOSED] ORDER

Upon stipulation of the parties, and good cause appearing, the Court hereby enters the following schedule for the filing of any motions for leave to amend the complaints, responses to any such motions, and responsive pleadings:

- a. Defendants need not serve responsive pleadings within 14 days of the Court's denial of Defendants' motion to dismiss;
- b. The deadline for Plaintiffs to file their motions for leave to file amended complaint(s) (if any) shall be March 20, 2018;
- c. If Plaintiffs in a given matter file a motion(s) for leave to file an amended complaint, then Defendants shall respond to that motion(s) pursuant to this Court's normal 35-day track; and
- d. If Plaintiffs in a given matter do not file a motion for leave to file an amended complaint, then Defendants shall file a responsive pleading in that matter within 30 days of the deadline for Plaintiffs to file their motions for leave to file amended complaints.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January \_\_\_, 2018

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William Alsup  
United States District Judge

## ATTESTATION

I, James F. Zahradka II, hereby attest, pursuant to Civil L.R. 5-1, that I have received authorization to electronically sign and file this document from each of the persons identified in the signature block.

Dated: January 23, 2018

/s/ James F. Zahradka II

James F. Zahradka II

*Counsel for Plaintiff the State of California*